IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS SHERMAN DIVISION

| ELENA HUNTER, on behalf of herself | § | |
|------------------------------------|---|---------------------------|
| and all others similarly situated; | § | |
| BLIND AMBITIONS GROUPS; and | § | |
| BLIND AMBITIONS GROUPS, | § | |
| on behalf of its members and | § | |
| all others similarly situated, | § | |
| • | § | |
| Plaintiffs, | § | |
| Q. | § | |
| V. | § | CASE NO. 4:12cv355 |
| | § | Judge Clark/Judge Mazzant |
| FIRST NATIONAL BANK TEXAS | § | |
| d/b/a | § | |
| FIRST CONVENIENCE BANK, | § | |
| , | § | |
| Defendant. | § | |
| V | J | |

ORDER ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On December 11, 2012, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that defendant's Motion to Dismiss Blind Ambitions Group's Claims Under Federal Rule of Civil Procedure 12(b)(1) for lack of standing [Doc. #18] be denied [Doc. #27]. On December 21, 2012, defendant filed its objections to the report [Doc. #28]. On January 4, 2013, plaintiffs filed a response [Doc. #31].

The Magistrate Judge concluded that plaintiffs' amended complaint alleged sufficient facts to establish standing with respect to Blind Ambitions.

Defendant objects that Blind Ambitions lacks standing to pursue the claims in this lawsuit.

Defendant fails to point out how the Magistrate Judge erred in the report and merely recites the same

arguments considered in the original briefing. The Magistrate Judge found that this was close case

and the court agrees. However, the court finds no error in the Magistrate Judge's approach in this

case, especially considering the lack of clarity in the case law. The court finds that the Magistrate

Judge properly considered the issue.

Having received the amended report of the United States Magistrate Judge, and considering

the objections thereto filed by defendant [Doc. #28], as well as all other relevant pleadings, this court

is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the

Magistrate Judge's report as the findings and conclusions of the court.

It is, therefore, **ORDERED** that defendant's Motion to Dismiss Blind Ambitions Group's

Claims Under Federal Rule of Civil Procedure 12(b)(1) for lack of standing [Doc. #18] is **DENIED**.

So ORDERED and SIGNED this 22 day of March, 2013.

Ron Clark, United States District Judge

Rm Clark

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